

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTONIE I. ADOLPHUES,
Plaintiff

: CIVIL ACTION NO. 02CV2786

vs.

CHIMES DISTRICT OF COLUMBIA, INC.,
Defendant

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**PLAINTIFF'S ANSWER TO COUNTERCLAIMS AND AFFIRMATIVE
DEFENSES**

Plaintiff, Antonie I. Adolphues, by and through his attorney, Carolyn L. Gaines, Esquire, answers Defendant's Counterclaims as follows:

1. Denied.
2. Denied.
3. Denied.
4. Denied.
5. No response is required. However, plaintiff incorporates by reference his responses to Paragraphs 1 through 4 as though set forth in full.
6. Denied.
7. Denied.
8. Denied.

WHEREFORE, plaintiff prays for judgment in his favor.

8. No response is required. However, plaintiff incorporates by reference his responses to Paragraphs 1 through 7 as though set forth in full.

9. Denied.

10. Denied.

12. Denied.

13. Denied.

WHEREFORE, plaintiff prays for judgment in his favor.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The counterclaims fail to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Defendant's claims are barred under the terms and conditions of the employment agreement.

THIRD AFFIRMATIVE DEFENSE

Defendant's claims are barred in whole or in part by the applicable statute of limitations.

FOURTH AFFIRMATIVE DEFENSE

Defendant's claims are barred in whole or in part by the doctrines of estoppel and waiver.

FIFTH AFFIRMATIVE DEFENSE

Defendant's claims are barred in whole or in part by failure of consideration

SIXTH AFFIRMATIVE DEFENSE

Defendant's claims are barred by reason of impossibility or impracticability of performance.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff did not cause defendant any pecuniary harm.

EIGHTH AFFIRMATIVE DEFENSE

Defendant's claims are barred in whole or in part by reason of failure to mitigate damages.

NINTH AFFIRMATIVE DEFENSE

Defendant's claims are barred by the doctrines of laches and unclean hands.

TENTH AFFIRMATIVE DEFENSE

Defendant's claims are barred under contract law.

ELEVENTH AFFIRMATIVE DEFENSE

Any duty of loyalty did not apply to plaintiff's position with the defendant.

TWELFTH AFFIRMATIVE DEFENSE

Defendant's claims are barred because plaintiff owed no duty of loyalty to defendant.

THIRTEENTH AFFIRMATIVE DEFENSE

Defendant's claims are barred because there was no fraudulent concealment of any material facts.

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